

Chapter 3

ENFORCEMENT

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3.1 Purpose

The purpose of this chapter is to establish procedures to ensure compliance with the provisions of this Ordinance and obtain correction of Ordinance violations. The provisions of this chapter are intended to encourage, to the greatest extent possible, the voluntary correction of violations.

3.2 Responsibility.

- A. Except as otherwise provided, the Community Development Director shall have primary responsibility for enforcing and interpreting the provisions of this Ordinance. The Community Development Director may, at his or her discretion, delegate the enforcement and interpretation duties set forth herein. For purposes of enforcing this Ordinance, the Planning and Zoning Administrator is authorized and hereby designated to fulfill the duties and obligations of the Community Development Director. (Ordinance Number 09-O-64, adopted October 20, 2009).
- B. Appeal from or review of any enforcement decision regarding the zoning provisions set forth in this Ordinance by the Community Development Director shall generally be made to the Zoning Board of Appeals. All appeals of the remaining provisions of this Ordinance shall be made to the City Manager except as provided for herein. Appeals from decisions rendered by the Zoning Board of Appeals or the City Manager or may be made to the City Council and thence to the courts as provided for by law.
- C. The Community Development Director shall have the right and authority, upon presentation of proper credentials, to enter onto and inspect any land, building, structure, or premises to ensure compliance with this Ordinance at any time.

3.3 Violations

Any person, company, or property owner who acts in violation of this Ordinance shall be subject to civil penalties and enforcement action in accordance with this Chapter. For each day that a violation exists, it shall be considered a separate and individual violation of this Ordinance. Unless otherwise expressly allowed by this Ordinance or state law, any violation of this Ordinance, including but not limited to the following, shall be subject to the remedies and penalties provided for in this Ordinance.

- A. To use land, buildings, or structures in any way not in compliance with this Ordinance.

- B. To erect or construct a building, structure, or sign not in compliance with this Ordinance.
- C. To engage in the development or subdivision of land in any way not in compliance with the zoning, subdivision, sign, and other regulations contained in this Ordinance;
- D. To create, expand, replace, or change any nonconformity in any way not in compliance with this Ordinance;
- E. To increase the intensity or density of any use or structure in any way not in compliance with this Ordinance;
- F. To reduce or diminish lot area, setbacks, buffers, or open space so that it is less than required by this Ordinance;
- G. To install or use a sign in any way not in compliance with this Ordinance.
- H. To fail to remove any temporary use or sign installed, created, erected, or maintained in violation of this Ordinance;
- I. To engage in the use of a building, land, structure, or sign, the subdivision or development of land or any other activity requiring applicable permits or approvals under the terms of this Ordinance (a) without first obtaining all required permits or approvals, or (b) in a way that is not in compliance with this Ordinance;
- J. To violate the terms of any permit or approval granted under this Ordinance;
- K. To obscure, obstruct, remove, or destroy any notice required to be posted or given under the terms of this Ordinance; or
- L. To violate any lawful order issued by any person charged and authorized to act in accordance with the terms of this Ordinance.

3.4 Penalties and Remedies for Violations

The City shall have the following enforcement powers to prevent, correct, stop, or penalize a violation of this Ordinance.

- A. Denial or Withholding of Permits
 - 1. The Community Development Director may deny or withhold all permits, certificates, or other forms of authorization to use or develop any land, structure, or improvements upon which there is a violation of this Ordinance until such violation is corrected and any associated penalty is resolved. This provision shall apply whether or not the current owner or applicant for the permit or approval is responsible for the violation.
 - 2. The Community Development Director may deny or withhold all permits, certificates, or other forms of authorization to use or develop any land, structure, or improvements owned or being developed by a person who created or otherwise caused an uncorrected violation of this Ordinance until such violation is corrected and any

associated penalty is resolved. This provision shall apply regardless of whether the property for which the permit or other approval is sought is the property in violation.

- B. **Revocation of Permits and Approvals.** Any development permit, certificate, or other form of approval required under this Ordinance may be revoked when the Community Development Director determines that (1) there is a departure from the approved plans, specifications, or conditions required under the permit, (2) the development permit was procured by false representation, (3) the development permit was issued in error, or (4) there is a violation of this Ordinance. Written notice of such revocation shall be served upon the property owner, agent, applicant, or other person to whom the permit was issued, or shall be posted in a prominent location at the place of violation. No work or construction activity shall proceed after the revocation notice is served.
- C. **Penalties.** Any person violating any provisions of this Ordinance shall be subject to the fines and penalties set forth in Section 1.4.1 of the City Code. If any person, firm, organization or corporation receiving a citation for violating any provision of this Ordinance fails to pay, settle or adjust the fine specified herein, then adjudication procedures may be initiated in accordance with Chapter 1.7L of the City Code or with a court of competent jurisdiction, and such processes as necessary shall commence. (Ord.09-O-24, 4-21-2009).
- D. **Stop Work Orders.** Whenever any building or structure or part thereof is demolished, constructed, reconstructed, altered or repaired in a hazardous manner, in substantial violation of any provisions of this Ordinance, or in a manner that endangers life or property, the Community Development Director has the authority to issue a stop work order for the specific part of the work that is in violation or presents the hazard, or endangers life or property. The following is the procedure for issuing a stop work order:
1. A stop work order may be issued by the Community Development Director for the site on which the violation has occurred or is occurring.
 2. The stop work order shall be in writing directed to the person doing the work and shall state the specific work to be stopped, the specific reasons therefore, and the conditions which must be met in order for the work to resume.
 3. Notice of the stop work order shall be served on the person doing the work or conducting the violation activity by personal delivery or by certified or registered mail, and shall be posted on the site. Said notice may also be served by registered mail or certified mail to the property owner or contractor if they are responsible for the work being done.
 4. When imminent danger or hazard is likely to occur as a result of the work, a stop work order may be posted on the property and shall be effective immediately and as if sent by registered mail or certified mail.
 5. Upon receipt of such an order or the posting of such an order on site, the work described in the stop work order shall immediately cease.
 6. The Community Development Director shall monitor compliance with the stop work order and determine if the conditions for resumption of the work have been met. If said conditions have been met, the stop work order shall be rescinded.

7. Failure to comply with a stop work order or removal of a stop work order posted on a site is a violation of this Ordinance.

3.5 Enforcement Procedures

A. Notice of Violation Procedure. The following notice of violation procedure shall be used to enforce this Ordinance.

1. Whenever there is reasonable cause to believe that a person is violating the provisions of this Ordinance or any plan, order, or condition which has been imposed pursuant to this Ordinance, the Community Development Director shall notify that person of the violation. Such notice shall be in writing and shall be served by personnel delivery or mailed by first class United States mail. Where a violation recurs and is repetitive in nature, the original notice shall be considered sufficient and multiple subsequent notices are not required. (Ordinance Number 09-O-64, adopted October 20, 2009).

2. The notice of violation shall describe the violation, shall identify the provision of this Ordinance that is being violated, shall specify what actions must be taken to correct the violation, shall direct the person to correct the violation within a specified and reasonable time period beginning on the date the notice is received, and shall indicate that more severe measures may be brought against the person if the violation is not corrected. If the violator can not be determined, then the notice of violation shall be sent to the record owner of the land on which the violation occurs.

3. Upon receipt of a request for additional time to correct the violation, the Community Development Director may authorize additional time to achieve compliance. Such time extension may not exceed thirty (30) days unless the violator can demonstrate to the satisfaction of the Community Development Director that (a) substantial progress is being made in regard to corrective measures, or that (b) the violation can not be corrected within the specified time period because labor and/or materials necessary to correct the violation are unavailable due to circumstances beyond the control of the violator or property owner.

4. If the violation is corrected within the time period set forth in the notice of violation, or within the extended period granted by the Community Development Director, then no further action against the violator or property owner shall be taken.

5. No penalty shall be assessed pursuant to this Ordinance unless and until the person in violation has been notified of the violation in accordance with the provisions of this Section, with the exception of a violation of a stop work order or the illegal placement of a temporary sign. In the case of a violation of a stop work order, the violator shall be subject to the immediate imposition of a penalty. In the case of an illegal temporary sign, the City shall be authorized to remove such sign immediately.

B. Citation Procedure.

1. If a violation has not been corrected after a notice of violation is issued or of the violation recurs, the Community Development Director may serve a written citation on the alleged violator by any of the methods specified herein. If the violator can not be ascertained, then the citation may be sent to the record owner of the land on which the

violation occurs. The citation shall describe the nature of the violation, what actions must be taken to correct said violation, and the amount of the fine that must be paid. The fine must be paid within five (5) business days of receipt of the citation or no more than five (5) days of the date specified on the citation. (Ordinance Number 09-O-64, adopted October 20, 2009).

2. Any person given a notice of violation pursuant to this Ordinance, who does not comply with this Ordinance within the time period set forth in said notice and who continues such violation or who violates a stop work order, shall be subject to the penalties and remedies set forth in this Ordinance and in the City of Woodstock City Code. (Ordinance Number 09-O-64, adopted October 20, 2009).

- C. **Removal of Dangerous Signs or Structures.** In the case of a sign or sign structure that the Community Development Director reasonably determines is in danger of falling or otherwise creating an immediate safety hazard, the Community Development Director is hereby authorized to immediately remove such sign or sign structure, at the expense of the property owner.

3.6 Persons Subject to Penalties

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, or agent, or other person, who commits, participates in, assists in, or maintains a violation of the provisions of this Ordinance may be found guilty of a separate offense and be subject to the penalties established herein.

3.7 Remedies Cumulative

The remedies provided for violations of this Ordinance shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.